

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1634**

S/N 09/125,953

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FODSTAD et al.	Examiner:	Sisson, B.
Serial No.:	09/125,953	Group Art Unit:	1634
Filed:	December 10, 1998	Docket No.:	7885.56USWO
Title:	IMMUNO-MAGNETIC CELL SEPARATION USED IN IDENTIFICATION OF GENES ASSOCIATED WITH SITE- PREFERENCED CANCER METASTASIS FORMATION		

CERTIFICATE UNDER 37 CFR 1.6: The undersigned hereby certifies that this correspondence is being transmitted via facsimile to: TC1600, Commissioner for Patents, Washington, D.C. 20231 on March 4, 2003.

By: *Victoria Hanson*
Name: Victoria Hanson

RESPONSE UNDER 37 C.F.R. § 1.116

Box AF
Commissioner for Patents
Washington, D.C. 20231

VIA FACSIMILE
TC1600
703-872-9307

Dear Sir:

Remarks

This is in response to the final Office Action mailed October 3, 2002.

Finality of Office Action

The examiner states that the amendment originally filed July 26, 2002 has been entered. However, it appears the examiner has not considered the claims as amended, and has not responded to Applicants' arguments. Additionally, the examiner has not reviewed the timely filed declaration, as discussed below. For these reasons, Applicants respectfully request the finality of this office action be withdrawn.

Declaration

The examiner acknowledges receipt of the signed declaration, but asserts it was not timely because it is not directed solely to new issues raised in the non-final office